

# **Minutes of a Regular Meeting Town of Los Altos Hills PLANNING COMMISSION**

Approved April 5, 2012

THURSDAY, March 1, 2012, 7:00 p.m.  
Council Chambers, 26379 Fremont Road

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## **1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Collins and Commissioners: Abraham, Clow, Harpootlian and Partridge.

Absent: None

Staff: Debbie Pedro, Planning Director; Richard Chiu, City Engineer and Public Works Director; Steve Mattas, City Attorney; Cynthia Richardson, Planning Consultant; Brian Froelich, Associate Planner; Nicole Horvitz, Assistant Planner; and Sarah Corso, Community Development Specialist.

## **2. PRESENTATIONS FROM THE FLOOR – none**

## **3. PUBLIC HEARINGS-**

Planning Commission Ex Parte Contacts Policy Disclosure: Commissioner Partridge met with Jenna Ellis for Item 3.1; and spoke with a neighbor of the applicant for Item 3.2. Commissioner Clow spoke with the Architect and applicant for Item 3.2. Commissioner Abraham spoke with Mr. and Mrs. Chang and Jenna Ellis for Item 3.1; met with Dr. and Mrs. Wadhwani and support staff at the site for Item 3.2; and visited the site for Item 3.5. Commissioner Harpootlian spoke with Jenna Ellis and neighbor Chang for Item 3.1; spoke with the applicant for Item 3.5; and spoke with Dr. and Mrs. Wadhwani and some of their support staff for Item 3.2.

Commissioner Abraham moved to reorder the agenda as follows: Item 3.1, Lands of Homa Natoma; Item 3.2, Lands of Wadhwani; Item 3.5, Lands of Evans; Item 3.4, Olive Tree area rezoning; and Item 3.3, La Loma area rezoning. Seconded by Commissioner Clow.

MOTION MADE, SECONDED, AND PASSED BY CONSENSUS:

AYES: Commissioners: Abraham, Clow, Harpootlian, Partridge, and Chairman Collins  
NOES: None  
ABSENT: None  
ABSTAIN: None

- 3.1 LANDS OF HOMA NATOMA, 27270 Palomino Place; File #148-11-ZP-SD-GD; A request for a Site Development Permit and a Grading Policy Exception for a 2,330 square foot swimming pool, pool decking, tennis court, and landscape screening plan for the 25,273 square foot new residence approved by the Planning Commission on August 5, 2010. CONTINUED FROM THE FEBRUARY 2, 2012 PLANNING COMMISSION MEETING. CEQA Review: Categorical Exemption per Section 15303 (a) (staff-Brian Froelich).

Brian Froelich, Associate Planner, presented the staff report for the project that was continued from the February 2, 2012 Planning Commission meeting. The project was continued with specific direction from the Commission regarding a planting list, rotating the tennis court alignment, minimizing fill, and providing mitigations to address fixed noise sources of the AC units, pool equipment, and a generator. Since that meeting, the applicant met with neighbors and revised the plantings list. None of the plants on the list will grow over twenty feet tall at maturity. The tennis court has also been moved seventy-two feet away from the property line and is oriented in an east to west direction. The changes made to the grading plan allow the project to meet the grading policy with no fill needed for the tennis court. The generator is enclosed on all sides, with an acoustical treatment applied to the walls. The pad levels for the AC units have been lowered into the ground and are surrounded by concrete walls with the same acoustical treatment. The pool equipment has been placed in a vault underneath the pool decking. The project requires a grading policy exception for the pool coping level to be five feet above grade where three feet is allowed. There was one letter from a neighbor requesting lowering the tennis court into the ground an additional two feet, for further noise reduction. The tennis court is at the maximum allowable cut and requiring any additional cut would require a grading policy exception.

#### CHAIRMAN COLLINS OPENED THE PUBLIC HEARING

Jenna Ellis, applicant, requested a grading policy exception for the swimming pool. She believes the pool warrants a need for an exception based on the following findings: 1) The two foot exception is relatively minor compared to the size of the lot and the grading policy should account for variations in parcel size. 2) The average grading exception required for the pool is one foot. 3) The 1,900 square foot area of the proposed grading exception comprises less than one percent of the total site. 4) The only neighbor with a view of the pool has submitted a letter supporting the project. 5) The fill will not be soil, but rather pool structure and water. 6) The proposed pool promotes safety and handicap accessibility. 7) The current location of the house was not part of the original design. It was moved thirty feet to the north per neighbor and the Planning Commission's request. 8) The location exceeds setback requirements and avoids conflict with the septic system, leach field, earthquake fault, and places the pool as far as possible from all neighbors. 9) The pool will not be visible with the proposed landscaping. 10) Most activity is kept close to the building envelope which will result in more neighbor privacy and less noise.

Regarding the tennis court, Mrs. Ellis explained that the court has been rotated by roughly ninety degrees, and moved forty-two feet to the east. The elevation of the tennis court is six hundred

and ninety-one feet, requiring six feet of cut and no fill. The court is four feet lower than the previous proposal. The new location of the tennis court will require the removal of two heritage oak trees, one walnut tree, and two olive trees.

Regarding the equipment, Mrs. Ellis stated that she worked with an acoustical engineer to ensure compliance with the Town's noise ordinance. The equipment enclosures meet or exceed requirements. The following changes have been made to address neighbor concerns: 1) The pool equipment has been moved to a bunker under the pool deck. 2) AC pads have been lowered into the ground and treated with an acoustical treatment. 3) A six inch concrete roof has been added to the emergency generator bunker and treated with an acoustic treatment. 4) The electrical transformer utility vault has been moved approximately forty feet from the northern property line, between the tennis court and driveway. A roof and acoustical treatment have been applied to the vault.

Regarding plantings, Mrs. Ellis stated that most of the property will remain an unirrigated meadow. The proposed plantings are mostly native and Mediterranean plants that require low water and maintenance. To address the concerns of the neighbors, Mrs. Ellis made planting substitutions which will restrict the height of the plantings to below the roof ridge line and the fence height.

Shirley Chang, neighbor on Carrington Circle, stated that she is concerned about the noise impact of the tennis court. She will support the project if the tennis court is sunken two additional feet into the ground, in order to mitigate noise impacts. She would like the applicant to create two to three foot dirt mounds at the northwest corner of the court. She would also like the walnut and apple trees which block her view, to be removed.

Lisa Warren, daughter of a neighbor on Altamont Road, supports a majority of the project.

Garry Chang, neighbor on Carrington Circle, stated that he will support the new plans if his wife's requests can be supported and granted.

Jenna Ellis, applicant, stated that she is willing to remove the walnut tree as requested by the Changs.

Commissioner Clow asked the applicant how she felt about the neighbor's request to have the tennis court lowered an additional two feet into the ground, which would require a grading exception.

Mrs. Ellis stated that she agreed to support a two foot reduction for the tennis court but was not aware of the request for the court to be lowered four feet. Mrs. Ellis stated that she is not inclined to include a berm as part of the tennis court's design.

Commissioner Abraham explained that additionally sinking the court could result in drainage problems.

CHAIRMAN COLLINS CLOSED THE PUBLIC HEARING

Commissioner Abraham stated that when visiting the site he was struck by the beauty and excellent condition of the heritage oak trees that are proposed to be removed for the new location of the tennis court. After examining the views from the Chang property, he is inclined to request that the tennis court be placed in the location proposed at the February meeting. He does not endorse cutting down healthy heritage oak trees. Regarding the pool grading exception findings, he supports the findings presented by the applicant.

Commissioner Harpootlian supports the proposed changes. He stated that the new tennis court location better meets the needs of the neighbors, and he is therefore willing to support the removal of the trees, which impedes on the views of more than one neighbor. He is not in favor of sinking the court or changing the location from what is being proposed by the Ellis'. He also stated that he would like to see the fence along the west side of the property converted into a solid fence which will act as a baffle. Regarding landscaping, he supports the proposed plantings. With regards to the pool, Commissioner Harpootlian stated that he supports allowing the exception and would like to look at the wording for the exception because he is hesitant to break new ground by calling a hole in the ground with a wall around it. He would like the application of the grading policy to consider the scale of the parcel when identifying if project warrants a need for an exception. He would also like to see something in writing identifying that extraordinary effort has been made to develop a single story ADA compliant house and the proposed exception provides a logical ADA extension to the pool.

Commissioner Partridge stated that he supports the plantings and the new location of the tennis court. He is reluctant to ask for the removal of the walnut tree. He supports allowing the grading exception primarily for the reason that the Commission has required the house to be moved so far north that a collateral damage is the grading exception required for the pool. He stated that he would have supported the pool equipment as presented in the February meeting, but supports any choice of the applicant.

Commissioner Clow supports the grading exception. He stated that he has concerns for removing heritage oak trees. He does not feel the Commission is in a consensus about lowering the tennis court four feet. He does not support removing any existing tree to appease neighbors. He would like to see the tennis court in its original position. This alternative will preserve two heritage oak tree and one of the two walnut trees. He supports the landscaping plans.

Chairman Collins stated that she believes the tennis court can be put back in its original location to preserve the heritage oak trees. She stated that tennis is a common sport in Los Altos Hills and it is expected that there will be some noise impacts resulting from tennis courts. Regarding grading, she stated that she agrees with the other Commissioners.

**MOTION MADE, SECONDED, AND PASSED BY ROLL CALL VOTE:**

Commissioner Abraham moved to approve the project except the tennis court as presented, and approve the grading policy exception based on the following findings: 1) By allowing the grading policy exception the pool is allowed to remain at the desired level for safety, and complies with ADA standards. 2) There is no neighborhood opposition. 3) Considering the proportionality of the lot to average lots in Town, the exception is for a minuscule amount of fill.

4) The exception was brought about by the requirements placed on the home which required the Ellis' to move their house thirty feet to the north. Seconded by Commissioner Clow.

AYES: Commissioners: Partridge, Abraham, Clow, Harpootlian, and Chairman Collins  
NOES: None  
ABSENT: None  
ABSTAIN: None

MOTION MADE, SECONDED, AND PASSED BY ROLL CALL VOTE:

Commissioner Clow moved to return the tennis court to its original configuration, from one month ago. Second by Commissioner Abraham.

AYES: Commissioners: Abraham, Clow, and Chairman Collins  
NOES: Commissioners: Harpootlian and Partridge  
ABSENT: None  
ABSTAIN: None

- 3.2 LANDS OF WADHWANI, RED ORCHID, BLUE ORCHID, AND PEFLEY (APPLICANT: ROMESH WADHWANI), 26170, 26238, and 26240 West Fremont Road, 26169 Maurer Lane; File # 163-11, 239-11, 234-11 SD-GD-IS-ND-VAR, 235-11-EP. A request for a site development application for the Barron Creek Channel Flood Control and Realignment Project including a new driveway access for 26238 Fremont Road and setback variance for paths and bridge crossings; CEQA Review: Mitigated Negative Declaration (Staff-Cynthia Richardson).

Cynthia Richardson, Planning Consultant, presented the staff report for the project. The site consists of three parcels: Lands of Wadhwani, Lands of Red Orchid, and Lands of Blue Orchid. The creek channel exists along a storm drain easement that runs along the west and south property lines of the Wadhwani property. The existing channel is lined with rip rap and is significantly overgrown with non-native vegetation. The purpose of the project is to clean out the trees, weedy vegetation, remove the silt buildup in the channel, and to relocate the creek forty feet to the west. This will allow more open space for the Wadhwani home. The creek is culverted both upstream and downstream of the project. The applicant is proposing to relocate a portion of the creek approximately forty feet to the west, and restore the entire length of the channel to a natural setting. Approximately six hundred and sixty tons of rip rap will be removed from the channel and one hundred and thirty cubic yards of material will be imported to the site. A hydraulic study was prepared indicating that the one hundred year storm waters will be contained within the new channel. The biological report requires mitigation for tree removal. Approximately forty-two willow trees located below the top of the bank and twenty-one trees on top of the bank will be removed. Forty-two trees are to be planted within the reconstructed storm drain easement and forty-two additional trees are to be planted outside the storm drain easement. A twenty-five foot creek bank structure setback is shown in the plans and the applicant is requesting that the Commission consider allowing the existing wrought iron fence to be relocated fifteen feet away from the proposed realigned channel. The applicant is requesting a variance to

locate multiple eight foot paths within the property line setback, where four feet is allowed. Staff requests that the Planning Commission forward a recommendation to the City Council to adopt the mitigated negative declaration and the mitigation monitoring plan; approve the three requested site development permits; and decide on a variance application.

Commissioner Clow asked staff to elaborate on the proposed eight foot crossings.

Debbie Pedro, Planning Director, explained that the crossings do not meet the Town's driveway definition because the paths do not serve as a route for use by vehicles leading from a parking area, house, or garage to a public or private road right-of-way. Director Pedro stated that an official driveway would need to be twelve feet wide, as defined in the Municipal Code. The proposed paths do not comply with these requirements.

Commissioner Partridge asked staff to elaborate on the requested fifteen foot setback, where twenty-five feet is required.

Consultant Richardson, explained that the twenty-five foot setback is a structural setback which pertains to structures including fences.

Commissioner Harpootlian asked staff if there would be a setback requirements for the creek if it was undergrounded.

Richard Chiu, City Engineering and Public Works Director, explained that if the channel was put into a pipe, there would be a storm drain easement requirement. The easement would need to be clear of any structures, and the easement size would be dependant on the size of the pipe and the amount it would be carrying.

Director Pedro added that staff would probably recommend against undergrounding the creek.

#### CHAIRMAN COLLINS OPENED THE PUBLIC HEARING

Tom Klope, Project Landscape Architect, stated that the design of the project seeks to do several things: 1) Improve the capacity of the channel for flood control. 2) Eliminate standing water that occurs year around due to urban runoff, which will also eliminate mosquitoes. 3) Reduce the sedimentation of the channel. 4) Improve biological diversity of the corridor. 5) Improve the aesthetics. 6) Improve vehicular and pedestrian circulation between the three parcels. 7) Preserve adequate building envelopes and development areas, and the potential for future structures. The primary goal for the proposal is to improve over six hundred feet of the Barron Creek Channel that is in rapid decline, and is significantly deteriorating with the potential flooding risk and liability.

Mr. Klope explained that the applicant is requesting a variance for the bridges because the allowed four feet is not enough space to accomplish what is needed. Eight foot wide paths would be required for maintenance and light trucks to access the greater estate. The applicant is also requesting that a fifteen foot wide easement setback be considered on the west side of the

proposed channel. The setback variance is requested to identify what type of development may occur in the future.

Commissioner Harpootlian stated that the creek appears to be an engineered creek and the twenty-five foot setback is primarily a requirement for protecting natural creeks, not engineered creeks.

Eric Biland, Project Engineer, stated that the issue with the restoration is to develop a man-made channel within the riparian corridor to transport water from the upstream culvert to the downstream culvert. This would reduce the potential for flooding.

Commissioner Clow asked the applicant's representatives to identify the type of wildlife that could be found in the riparian habitat.

Mr. Biland explained that the initial study indicates that the creek has become isolated due to the culverts. The property is also fenced off on all but the Fremont Road side of the property. He stated that the initial study does not identify any significant concern for wildlife.

Commissioner Harpootlian stated that his understanding for the twenty-five foot setbacks is to make viable, ecological environments around the creek. He stated that it is important to examine how the area will be fenced and wildlife access.

Mr. Biland stated that there has not been any consideration for site development on the Orchid properties. On the Wadhwani side the idea is to maintain a fifteen foot setback from the top of the bank to the existing fence along Fremont Road.

Commissioner Partridge asked the applicant's representatives about the proposal to have a fifteen foot setback on the Orchid properties, when there is no development being proposed. He asked if it made legal sense to vote when it may bind future decisions.

Steve Mattas, City Attorney, stated that the request is not part of the application and was not included in the environmental review document. He explained that a more appropriate time to discuss the setback is when the site development permit is submitted with the Red and Blue Orchid properties. He recommended to the Planning Commission that they not consider the request for the fifteen foot setback on the Orchid properties.

Dr. Wadhwani, applicant, explained that he does not consider the current channel a creek. He stated that the channel has lost its shape, is filled with rip rap, is overgrown with weeds, and does not contain wildlife. He explained that if he did not request to move the creek and the Town went ahead and tried to clean the rip rap and stabilize the banks of the channel, it would be roughly a one million dollar project. What is currently being proposed is roughly a two million dollar project. He explained that he is receiving no net gain with the project. His intention when asking for the setback variance on the Orchid properties is to identify potential development opportunities. He explained that he is looking for some level of assurance that there is a reasonable amount of flexibility to develop something with aesthetic value.

Commissioner Clow stated that if the property was merged there would not be an issue of setbacks. However, if the project is approved and the eight foot wide bridges are built and the Orchid properties are sold, there will be a problem with the bridges.

Dr. Wadhwani suggested there be a condition assigned to the project addressing this situation.

Tai Shyu, neighbor on Catherine Court, lives downstream of the property and has concerns that the flow of surface water may be impacted by the project.

Pat Ley, neighbor on Ortega Drive, asked what the purpose was for having a driveway access from Fremont Road, which moves across the Red Orchid property and onto the Shalimar property.

Director Pedro explained that the driveway serves as a common driveway for both the Red Orchid and Wadhwani properties.

Dr. Wadhwani explained that the driveway is needed for access to the Red Orchid property and was continued to the Shalimar property because there was no variance required to extend the driveway.

David Pefley, neighbor on Maurer Lane, expressed support for the project and requested that evergreen trees replace the proposed live oak trees in the landscape plan.

Sue Welch, member of the Open Space Committee, explained the history of the project as stated in the California Regional Water Quality Control Board document. In 1998 the Town undergrounded a portion of the creek without proper permits. The Town then filled the open section of the creek with rip rap, without permits. The document also states that the correct baseline for evaluating the channel should be the condition of the channel prior to the work done by the Town of Los Altos Hills. She also explained that the Open Space Committee originally asked for the standard twenty-five foot setback along both sides of the fence because it is normal procedure for creeks.

Commissioner Partridge asked Ms. Welch what the rationale was for suggesting that the paths be only four feet wide.

Ms. Welch explained that in general the fewer crossings the better because they create shade that prevents vegetation from growing, and the paths may be used as roadways.

Nancy Couperus, Open Space Committee, stated that creek setbacks are important because it: 1) Protects creek side vegetation. 2) Prevents erosion. 3) Keeps new buildings out of the range of potential creek bank failure and flooding. She feels that the Town has lenient creek setback rules and should look to Portola Valley as an example. She stated that the Open Space Committee understands the request for a fifteen foot setback on the constrained property, but does not agree with reducing the setback on the other side of the creek.



Dr. Wadhwani stated to the Commission that he appreciates the comments of the Open Space Committee and believes that he has shown in the past with the Shalimar property that he will work to improve his properties. He hopes that the assumption is not being made that he will do what is worse for the property. He explained that the property should be viewed as one five acre property and he would agree to a condition stating that the variance will be removed for the bridges and the setback if it becomes an issue. He hopes his neighbors keep in mind that a setback is being asked for where there is not a natural creek, but rather an engineered creek that is blocked off with culverts and does not contain wildlife. The alternative would be to leave the property in its current state. He explained that with a fifteen foot setback on one side, with a twenty-two foot creek, and twenty-five foot setback on the other side, totals sixty-two feet of undevelopable area, rendering the project illogical and undesirable.

#### CHAIRMAN COLLINS CLOSED THE PUBLIC HEARING

As discussion began, City Attorney Mattas stated that if the Planning Commission expresses conclusions about the setback on the west side of the property, in the present meeting, the Commission could be biasing themselves from voting on it in a future site development hearing. He stated that the Commission should request input from the applicant to identify if it is their desire to have all but the west setback voted on in the present meeting.

Dr. Wadhwani stated that he would like for the Commission to make a decision on the current application and at a future date he and his staff will return with another application for the setback variance.

Commissioner Clow stated that the property is an unusual property because all three parcels are owned by one owner. He explained that the Town has setback standards to protect property owners and provide privacy. He is satisfied with the applicant's proposal to allow for a deed restriction indicating if the property has a separate owner, then the eight foot wide bridges would have to be reduced to the Town's standard of four feet. His findings for supporting the eight foot bridges are that the creek improvements will be superior to what currently exists, and the presence of the bridges is not likely to make a lot of difference in the overall project.

Commissioner Partridge acknowledged that the project is an improvement to the site which comes at a considerable cost to the applicant. He supports the improvements proposed in the project but does have concerns about the shading provided by the bridges. He understands that the bridges have been identified as ways of access to the property; however the nearby driveway serves the same function. As an alternative he would rather see two eight foot bridges or three four foot bridges. He identifies with the arguments presented by the Open Space Committee and the Regional Water Board. Commissioner Partridge stated that he would be more inclined to support the project with a combination of recommendations from staff's position and the position of the Open Space Committee and Regional Water Board.

Commissioner Abraham agrees with Commissioner Clow's desire to approve the project as presented with the eight foot width bridges at three separate locations. He believes the project is of huge value to the Town because the Wadhwanis will not only repair and replace faulty work performed by the Town many years ago, but they also agree to maintain the creek channel in the

future. The result is an initial savings to the Town of approximately one million dollars for the requested restoration of the creek; additional savings accrue in the future because of the maintenance savings.

Commissioner Harpootlian asked City Attorney Mattas if it would be appropriate to include a restriction against the land which requires that the bridges be taken down.

City Attorney Mattas stated that the proposal, as he understands it, is to place a deed restriction on the primary Wadhwani, Red Orchid, and Blue Orchid properties. He explained that a land use approval typically runs with the land, not necessarily the owner of the land. If the applicant is open to the idea then staff can work with him prior to the City Council meeting to create a deed restriction that will be put in place, and will essentially be made irrevocable.

Commissioner Harpootlian stated that he is fully supportive of the project. He views the creek as being an engineered creek and the willingness of Dr. Wadhwani to restore it to a functional creek is commendable. He would like to see the project moved forward and is supportive of Town efforts that will make the project more palpable.

Chairman Collins stated that she would support the project if the bridges were reduced in width or if there was one less bridge. Chairman Collins requested to hear from the project biologist about the biological habitat of the creek.

Devinna Ohlson, Project Biologist, stated that from a biological perspective the proposed project will be an improvement over the existing conditions.

Chairman Collins asked Biologist Ohlson if there is any indication that the existing environment is a riparian habitat with wildlife.

Ms. Ohlson stated that there is riparian vegetation at the northern end of the channel and at the downstream end. The proposal is to replant along the entire channel, which will be an improvement. Regarding wildlife movement, there could be wildlife within the area such as deer or mountain lions, but it is not likely they will be along this portion of the channel. The channel is culverted at both ends and for most wildlife to get to the open channel they would need to move through the culverts. Regarding the shading impacts of the bridges, they were considered as part of the project design and therefore not consider as having an impact.

Commissioner Partridge asked the project biologist what the impacts would be of the shading. He also questioned the applicant's engineer about the integrity of the banks.

Ms. Ohlson stated it is likely that fewer plants will be growing in the shadow of the bridges. In terms of mitigation, mitigation plantings will most likely not be planted under the crossings and therefore other plantings that thrive in a shady environment will most likely grow.

Eric Biland explained that for the current proposal, the bank stability depends of plant root structures helping to hold the banks in place. Coconut fiber is proposed to be laid overtop of the banks with plantings in between. The coconut fiber will hold the bank for three to five years until

the vegetation grows in. Part of the planting palate will be shade loving plants that will grow and root directly under the bridge. He assured the Commission that rooting throughout the channel has been thoroughly thought out.

Chairman Collins asked Director Chiu to discuss the downstream mitigation of flooding, which was brought up earlier in the hearing by a neighbor.

Director Chiu explained that the project will need approval from FEMA, who will look specifically at design and the impacts of a one hundred year flood. The Town has reviewed the hydraulic modeling that was conducted for the project, and is confident that it will contain the one hundred year flood. The downstream impacts are limited by the culvert that crosses Fremont Road, which is not proposed to be changed and should not negatively impact the flow of the downstream channel.

**MOTION MADE, SECONDED, AND AMENDED:**

Commissioner Harpootlian moved to forward a recommendation to the City Council that based on the initial study, the City Council adopt the mitigated negative declaration and mitigation monitoring program in attachments one (1) and attachment two (2); forward a recommendation to the City Council to approve the three requested site development permits for the flood control and realignment project based on the environmental document and subject to the conditions of approval in attachment three (3) and mitigation measures shown in the initial study; and forward a request to locate three, eight foot wide bridges and paths within the thirty foot property line setbacks based on the findings in attachment five (5). The motion was seconded by Commissioner Abraham.

Commissioner Partridge moved to amend the motion to include a landscape deposit to ensure that the habitat under the bridge grows in.

The amendment failed due to a lack of a second.

The motion stands as originally stated.

**PASSED BY ROLL CALL VOTE:**

AYES: Commissioners: Clow, Abraham, and Harpootlian  
NOES: Commissioners: Partridge and Chairman Collins  
ABSENT: None  
ABSTAIN: None

- 3.5 LANDS OF EVANS; 11641 Buena Vista Drive; File #162-11-ZP-SD; A request for a Site Development Permit for hardscape improvements and landscape screening for a an estate home approved on May 7, 2009. CEQA review: Categorical Exemption per Section 15304 (b) (Staff-Nicole Horvitz).

Nicole Horvitz, Assistant Planner, presented the staff report for hardscape improvements and landscape screening for a new estate home, approved by the Planning Commission on May 7, 2009. The property is just over ten acres and contains an 11,779 square foot new residence. The applicant is also proposing a new 173 square foot chicken coop along the east side of the property with a chicken run, generator, and propane tanks on new concrete pads. The proposed landscaping consists of forty-three trees ranging from a thirty-six inch box to sixty inch box. Eleven trees are being relocated and one heritage oak tree is being removed. The heritage oak tree has been deemed in fair condition and crowded by an arborist. The applicant is also proposing a roof garden and a green roof.

#### CHAIRMAN COLLINS OPENED THE PUBLIC HEARING

Eric Evans, applicant, stated that a number of design characteristics have been implemented to reduce the visual impacts of the project which included orienting the home to ensure that development would not require the removal of oak trees greater than six inches in diameter, and developing a green roof and roof garden.

Jim Bensmen, Project Landscape Architect, stated that the screening is a combination of California natives and other plants native to similar climates. The goal is to maintain the drought tolerant, low water use concept.

Waidy Lee, neighbor on Central Drive, stated that she is in support of the project.

#### CHAIRMAN COLLINS CLOSED THE PUBLIC HEARING

Commissioner Clow stated that he supports the project and commends the applicant on his neighborhood outreach.

Commissioner Partridge supports the project because it provides necessary screening while preserving views.

Commissioner Abraham commended the applicant on his project and consideration of neighbors and the environment.

Commissioner Harpootlian noted that he received an email from a neighbor regarding the project. He supports the landscaping plans and believes the project is well designed.

Chairman Collins supports the project and agrees with the other Commissioners that the project is wonderfully designed.

#### MOTION MADE, SECONDED, AND PASSED BY CONSENSUS:

Commissioner Abraham moved to approve the landscape screening project for Lands of Evans, as presented. Seconded by Commissioner Clow.

AYES: Commissioners: Abraham, Clow, Harpootlian, Partridge, and Chairman Collins

NOES: None  
ABSENT: None  
ABSTAIN: None

- 3.4 PREZONING OF UNINCORPORATED OLIVE TREE HILL AREA;  
File # 134-11-MISC. Prezoning of approximately 25 unincorporated parcels (31.7 acres) bounded by the Town of Los Altos Hills to the west, north, and east, and to the south by an unincorporated portion of Santa Clara County, encompassing 24809, 24898, 24892, 24860, 24808, 24802, 24837, 24855, 24863, 24871, 24877, 24899, 24886, 24874 Olive Tree Lane, 10956, 10944, 10933, 10955, 24797, 24795, 24793, 24791 Northcrest Lane, 10925, 10921, 10919 Stonebrook Drive. CEQA Review: Mitigated Negative Declaration (staff-Cynthia Richardson).

Cynthia Richardson, Consultant Planner, presented the staff report for the prezoning of the Olive Tree Hill area, which consists of twenty-five parcels on Stonebrook Drive, Olive Tree Lane, and Northcrest Lane. The properties are located at the southern boundary of the Town. The Town has been requested by the Local Agency Formation Commission (LAFCO) to come up with a plan to annex five island areas around the Town's boundaries. On September 22, 2011 the Town's City Council authorized staff to begin the prezoning process for the Olive Tree Hill and La Loma Drive areas. The request for the Planning Commission is to make a recommendation to the City Council to pre-zone the area to the R-A zoning district.

#### CHAIRMAN COLLINS OPENED THE PUBLIC HEARING

Eileen Gibbons, Chair of the Pathways Committee, stated that she would like the potential new neighbors to be aware of the benefits and responsibilities associated with Town paths. She asked the City Council in a previous meeting to allow the Pathway Committee to identify potential pathways, with neighbor input, for the Olive Tree Hill area. She invited neighbors and the Commission to join the Pathways Committee on pathway walks on March 24 and March 25, 2012, at 8:30 am. The overall intent of the walk is to explore options for future paths which would be identified as potential paths but not constructed until a parcel comes up for development. She stated that decisions regarding paths would not be made during the walk.

Commissioner Harpootlian stated that at the end of Olive Tree Lane there is a gate, which if the Town made accessible to the public, could potentially turn into a trailhead, resulting in increased parking from both in Town and out of town residents.

Eileen Gibbons stated that the Town can ask Midpeninsula Open Space Regional District to open the fire road gate and pedestrian gates to the trail, and that the Pathways Committee is aware of concerns associated with trailheads.

Farouk Arjani, resident of Olive Tree Lane, stated that he has been a resident of Olive Tree Lane for thirty-two years. He stated that he is happy being a resident of the County and does not want to be annexed into the Town of Los Altos Hills. He explained that as a result of past issues, he

does not want the path near his property to be opened to the public, which is why he and other neighbors paid to have a gate installed.

Commissioner Harpootlian stated that he believes the neighbor has valid concerns regarding the potential trailhead in the Olive Tree Hill area. He stated that the process for annexation and pathway development are two different processes. Pertaining to the annexation, the Planning Commission will make a recommendation to City Council about the rezoning. The Council will then hear the case and vote on the rezoning. Next the project will return to the Planning Commission for a vote on the annexation.

Eileen Gibbons stated that an annexation will not trigger pathway development. She explained that once a property applies for development that property will be reviewed by the Committee in a public hearing, to decide if a pathway will be appropriate.

Ted Wuerthner, resident on Olive Tree Lane, stated that the thirteen residents on Olive Tree Lane signed a legal agreement with Midpeninsula Open Space Regional District to allow the neighbors ownership of the road. In return they agreed that Midpeninsula Open Space Regional District could use the road for service trucks to pass through the fire gate. The pedestrian gate is owned and monitored by the residents. He stated that there are many variables involved in opening the trail to the public.

Jasbir Walia, resident on Stonebrook Drive, stated that he is in favor of the project and would like to be a resident of Los Altos Hills.

#### CHAIRMAN COLLINS CLOSED THE PUBLIC HEARING

Commissioner Abraham asked staff about item fifteen (15), Transportation Traffic, of the rezoning study, which states that the traffic incurred by the project will not be substantial in relation to the existing traffic load and capacity. He believes that there will be a greater impact than suggested in the report, based on the current conversation.

Director Pedro stated that the referenced study pertains to level of service for traffic congestion. She explained that annexation of low-density areas such as single-family neighborhoods, will not have an impact on transportation or traffic related to level of services.

Conversation ensued and the Commission asked Director Pedro to report to the City Council the concerns of the neighbors regarding the potential for pathways in the Olive Tree Hill area.

#### MOTION MADE, SECONDED, AND PASSED BY ROLL CALL VOTE:

Commissioner Partridge moved to forward a recommendation to the City Council to approve the proposed rezoning of the unincorporated Olive Tree Hill area, and to adopt the initial study and the mitigated negative declaration. Seconded by Commissioner Harpootlian.

AYES: Commissioners: Harpootlian, Partridge, Clow, and Chairman Collins  
NOES: Commissioners: Abraham

ABSENT: None

ABSTAIN: None

3.3 PREZONING OF UNINCORPORATED LA LOMA DRIVE AREA;  
File # 42-12-MISC. Prezoning of one unincorporated parcel (8.1 acres)  
bounded by the Town of Los Altos Hills to the west, north, and east, and  
to the south by an unincorporated portion of Santa Clara County,  
encompassing 25355 La Loma Drive. CEQA Review: Mitigated  
Negative Declaration (staff-Cynthia Richardson).

Cynthia Richardson, Consultant Planner, presented the staff report for the prezoning of an unincorporated La Loma parcel located near the southern boarder of the Town. The property is surrounded on three sides by Town property and by the Midpeninsula Open Space Regional District on the fourth side. The property is approximately 8.10 acres, is accessed at the end of La Loma, and maintains a single family residents and associated structures. Staff recommends the area be prezoned to the R-A zoning district.

CHAIRMAN COLLINS OPENED THE PUBLIC HEARING

Joe Kennedy, resident of the La Loma property, stated that according to LAFCO, the proposed annexation is a recommendation to the Town, and LAFCO has no authority to mandate the proposed prezoning and future annexation. Mr. Kennedy stated that he chose his property because it was located in the County's jurisdiction, and when he spoke with the previous property owner, he was informed that the previous owner was denied annexation when he applied. He stated that he is opposed to the prezoning and annexation of his parcel.

Chairman Collins asked staff what the intent was for annexing one property.

Director Pedro explained that the property is adjacent to Town boundaries on all but one side, and requires passage through the Town for access. She explained that the property owner would benefit from the annexation by receiving more efficient services and will have the opportunity for a stronger role in local government activity pertaining to his property and surrounding properties.

CHAIRMAN COLLINS CLOSED THE PUBLIC HEARING

Commissioner Abraham pointed out that Mr. Kennedy specifically looked for a property that would remain in the county when he purchased his property. The previous owner had tried to have the property annexed and was refused by the Town. He also noted that among Mr. Kennedy's concerns was the desire of the Pathways Committee to place multiple pathways along and through his property. Commissioner Abraham also pointed out that the property is not an "island" as described in the staff report but has its longest boundary shared with the open space area that will remain in the county.

Commissioner Partridge stated that another way to view the situation is that the County has to service this one residence with police and other services.

Commissioner Harpootlian asked staff if the Town's contract with the County Sheriff's Department covers unincorporated properties, and if the same personnel would be dispatched to both the Town and County.

Director Pedro explained that if the resident calls the County Sheriff it would fall under the County's contract. She is not sure if the same personnel would respond.

**MOTION MADE:**

Commissioner Partridge moved to forward a recommendation to the City Council to approve the proposed rezoning of the unincorporated La Loma area and adopt the negative declaration. Motion failed due to a lack of a second.

**MOTION MADE, SECONDED, AND PASSED BY ROLL CALL VOTE:**

Commissioner Clow moved to recommend to the City Council that they not approve the proposed rezoning of the unincorporated La Loma area and not adopt the negative declaration. Seconded by Commissioner Abraham.

AYES: Commissioners: Abraham, Clow, Harpootlian, and Chairman Collins  
NOES: Commissioners: Partridge  
ABSENT: None  
ABSTAIN: None

4. OLD BUSINESS – none

5. NEW BUSINESS – none

6. REPORTS FROM CITY COUNCIL MEETINGS

- 6.1 Planning Commission Representative for February 16 – Commissioner Clow
- 6.2 Planning Commission Representative for March 15 – Commissioner Partridge
- 6.3 Planning Commission Representative for April 19 – Commissioner Abraham
- 6.4 Planning Commission Representative for May 17 – Commissioner Harpootlian

7. APPROVAL OF MINUTES

- 7.1 Approval of February 2, 2012 minutes.

**MOTION MADE, SECONDED, AND PASSED BY CONSENSUS:** Motioned by Commissioner Harpootlian and seconded by Commissioner Clow to approve the February 2, 2012 minutes, as corrected.



8. REPORTS FROM FAST TRACK MEETINGS – FEBRUARY 14, 2012

- 8.1 LANDS OF RAO, 26005 Newbridge Drive; File #251-11-ZP-SD-GD; A request for a Site Development Permit for a 5,194 square foot single story new residence with a 904 square foot basement and 619 square foot detached secondary dwelling unit, removal of one (1) - 12" diameter oak tree and a relocated driveway access; CEQA Review: Categorical Exemption per Section 15303 (a) (staff-Nicole Horvitz).

9. REPORTS FROM SITE DEVELOPMENT MEETINGS – FEBRUARY 7 AND FEBRUARY 28, 2012

- 9.1 LANDS OF BOOK LLC, 13902 Campo Vista Lane; File #308-11-ZP-SD-GD; A request for a Site Development Permit to remove and relocate the driveway (along Campo Vista Lane) 160 linear feet to the north. CEQA Review: Categorical Exemption per Section 15303 (e) (staff-Nicole Horvitz).
- 9.2 LANDS OF HELMY, 12650 Corte Madera Lane; File #105-11-ZP-SD-GD; A request for a Site Development Permit for a new 425 square foot swimming pool, remodeled backyard deck and hardscape, and a 316 square foot first floor addition; CEQA Review: Categorical Exemption per Section 15301 (e) and 15303 (e) (staff-Brian Froelich).
- 9.3 LANDS OF CHIN, 25354 La Rena Lane; File #287-11-ZP-SD-GD-PM; A request for a Permit Modification to add a 2,002 square foot basement to the new residence approved June 21, 2011 (Maximum height: 27'); CEQA Review: Categorical Exemption per Section 15301 (e) and 15303 (e) (staff-Brian Froelich).

10. ADJOURNMENT

The meeting was adjourned by consensus at 11:00 p.m.

Respectfully submitted,

Sarah Corso  
Community Development Specialist